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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,619	09/26/2005	Shinichiro Tanaka	334559.00014	4100

27160 7590 08/31/2007
PATENT ADMINISTRATOR
KATTEN MUCHIN ROSENMAN LLP
1025 THOMAS JEFFERSON STREET, N.W.
EAST LOBBY: SUITE 700
WASHINGTON, DC 20007-5201

EXAMINER

HEYMAN, JOHN S

ART UNIT	PAPER NUMBER
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2871

MAIL DATE	DELIVERY MODE
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08/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,619	Applicant(s) TANAKA ET AL.	
	Examiner John Heyman	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☒ Claim(s) 10-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to stereoscopic image display device, classified in Class 349, Subclass 15.
 - II. Claims 10-12, drawn to a manufacturing method of a liquid crystal device, classified in Class 349, Subclass 187.
2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process of manufacturing could be employed in making a video image display apparatus (as opposed to the stereoscopic image display apparatus), and the stereoscopic image display device could be made by a lamination process, for example.
3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Claims 10-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/13/2007.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoguchi et al (Inoguchi – US 5,945,965) taken with Okada (US 6,483,567). Fig. 15 of Inoguchi shows the basic stereoscopic image display device recited including a backlight "(Backlight)", a liquid crystal display panel 115, a parallax barrier 103 and a glass spacer therebetween. What is not shown by Inoguchi is the concept of employing different types of material for the glass substrates employed for the LC panel and base as recited in the last clause of claim 1 and claims 2-4. Okada is cited to show a liquid crystal image display apparatus (X-ray machine) in which the problem of pitch shift is encountered (and solved) when using glass panels having different coefficients of thermal expansion (col.2 line 66). Thus, looking at Fig. 4 and the explanation thereof in column 4, line 43 of Okada, a first glass 101 is in combination with a second glass 102

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in which the thermal expansion thereof is different than that of the first glass 101. Note that Okada specifically mentions one glass substrate (102) has a larger thermal coefficient of expansion than the other (101) to meet the language of Claim 2. See col. 4 lines 46-49. Also note that the use of "soda glass" is mentioned in col. 3, line 46 to meet Claim 3; and "non-alkali glass" is mentioned in col. 4 line 46 to meet Claim 4. Thus, it would have been obvious under 35 USC 103 to employ the solution of using different glass substrates in Inoguchi as taught by Okada for the reason given in Okada, namely, to suppress pitch shift between bonded glass panels in image display units with temperature changes (col. 2 line 38).

Allowable Subject Matter

7. Claims 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: There is no disclosure in the prior art showing the adhering of the peripheral edges of the various panel members with the "negative pressure region" formed therebetween as recited in Claim 5 and claims 6-9 dependent thereon.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Woodgate et al and Moseley et al show stereoscopic


display devices in which thermal expansion of substrates are encountered. These references should be carefully reviewed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Heyman whose telephone number is 571 272-5730. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571- 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSH


ANDREW SCHECH
PRIMARY EXAMINER

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :09/26/2005, 04/27/2006, 08/01/2006.

334559-00014

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
Shinichiro TANAKA et al.)	
)	Group Art Unit: 2871
Application No.: 10/550,619)	
)	Examiner: Not Yet Assigned
Filed: September 26, 2005)	
)	
For: STEREOSCOPIC PICTURE)	Date: August 1, 2006
DISPLAY AND METHOD OF)	
PRODUCING THE SAME)	

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the document listed on the enclosed form PTO/SB/08A. The Form

PTO/SB/08A corrects a typographical error in an earlier-filed form PTO/SB/08A. The error was in the publication date. The document itself was previously submitted and is already part of the Image File Wrapper.

NOTE

FORMAL MATTERS

In accordance with 37 C.F.R. § 1.97(b)(3), since a first Official Action on the merits of the subject application has not yet been issued, neither a certificate,

petition nor payment of a fee is believed to be required for this Information Disclosure Statement. However, the Commissioner is hereby authorized to charge any fee which may be required in connection with this paper to Deposit Account No. 50-1710.

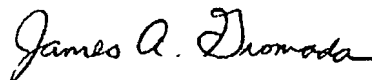
Applicant believes that no fee is required. However, the Commissioner is authorized to charge any fees deemed necessary and to make any refunds to Deposit Account 50-1710.

CONCLUSION

It is respectfully requested that the below-listed information be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08A be returned indicating that such information has been considered.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants
James A. Gromada
Registration No. 44,727

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